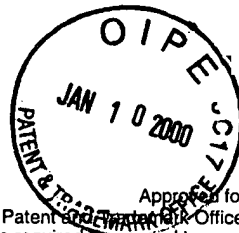


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PTO/SB/01 (12-97)

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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

☐ Declaration Submitted with Initial Filing **OR** ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	C0240.MSI
First Named Inventor	Durward I. Faries, Jr.
<b>COMPLETE IF KNOWN</b>	
Application Number	09 / 419,664
Filing Date	October 15, 1999
Group Art Unit	
Examiner Name	

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Temperature Control System and Method for Heating and Maintaining Medical Items at Desired Temperatures**

the specification of which (Title of the Invention)

☐ is attached hereto  
OR

☒ was filed on (MM/DD/YYYY) **10/15/1999** as United States Application Number or PCT International

Application Number **09/419,664** and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
60/104,635 60/126,651	10/16/1998 03/29/1999	

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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## DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

☐ Customer Number

OR

☒ Registered practitioner(s) name/registration number listed below

Place Customer  
Number Bar Code  
Label here

Name	Registration Number	Name	Registration Number
Robert H. Epstein	24,353	Stuart B. Shapiro	40,169
Ira C. Edell	24,119	J. Andrew McKinney, Jr.	34,672
Aaron B. Retzer	27,671	Patrick J. Finnan	39,189
Karen M. Gerken	31,161		

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☐ Customer Number  OR ☒ Correspondence address below

Name	Stuart B. Shapiro				
Address	Epstein, Edell & Retzer				
Address	1901 Research Blvd., Suite 400				
City	Rockville	State	MD	ZIP	20850
Country	U.S.	Telephone	(301) 424-3640	Fax	(301) 762-4056

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

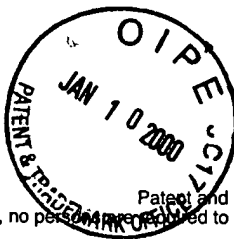
Name of Sole or First Inventor:  ☐ A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])	Family Name or Surname
Durward I.	Faries, Jr.

Inventor's Signature				Date	12/30/99
Residence: City	McLean	State	VA	Country	US
Post Office Address	1202 Windrock				
Post Office Address					
City	McLean	State	VA	ZIP	22102
				Country	US

☒ Additional inventors are being named on the 1 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

Please type a plus sign (+) inside this box → +



PTO/SB/02A (3-97)  
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<b>DECLARATION</b>	<b>ADDITIONAL INVENTOR(S)</b> <b>Supplemental Sheet</b> Page <u>1</u> of <u>1</u>
--------------------	---

<b>Name of Additional Joint Inventor, if any:</b>				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
Bruce R.				Heymann			
Inventor's Signature	<i>Bruce Heymann</i>					Date	12/30/99
Residence: City	Vienna	State	VA	Country	US	Citizenship	US
Post Office Address 9701 Woodland Glen Court							
Post Office Address							
City	Vienna	State	VA	ZIP	22182	Country	US
<b>Name of Additional Joint Inventor, if any:</b>				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
Calvin				Blankenship			
Inventor's Signature	<i>Calvin Blankenship</i>					Date	12/30/99
Residence: City	Centreville	State	VA	Country	US	Citizenship	US
Post Office Address 14914 Ampstead Court							
Post Office Address							
City	Centreville	State	VA	ZIP	22020	Country	US
<b>Name of Additional Joint Inventor, if any:</b>				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature						Date	
Residence: City		State		Country		Citizenship	
Post Office Address							
Post Office Address							
City		State		ZIP		Country	

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**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN**

Docket Number (Optional)  
C0240.MSI

Applicant, Patentee, or Identifier: Durward I. Faries, Jr. et al

Application or Patent No.: 09/419,664

Filed or Issued: October 15, 1999

Title: Temperature Control System and Method for Heating and Maintaining Medical Items at Desired Temperatures

I hereby state that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Medical Solutions, Inc.

ADDRESS OF SMALL BUSINESS CONCERN 3901 Centerview Drive, Suite W, Chantilly, Virginia 21051

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

- Each person, concern, or organization having any rights in the invention is listed below:  
☒ no such person, concern, or organization exists.  
☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Bruce R. Heymann

TITLE OF PERSON IF OTHER THAN OWNER President

ADDRESS OF PERSON SIGNING 9701 Woodland Glen Court, Vienna, Virginia 22182

SIGNATURE Bruce R. Heymann

DATE 12/30/99

## ASSIGNMENT

WHEREAS, we, Durward I. Faries, Jr., Bruce R. Heymann and Calvin Blankenship, residing at 1202 Windrock, McLean, Virginia 22102, 9701 Woodland Glen Court, Vienna, Virginia 22182 and 14914 Ampstead Court, Centreville, Virginia 22020, respectively, have invented certain new and useful improvements in Temperature Control System and Method for Heating and Maintaining Medical Items at Desired Temperatures, for which a patent application for United States Letters Patent is pending as Serial No. 09/419,664, filed on October 15, 1999.

WHEREAS, Medical Solutions, Inc., a corporation of the State of Virginia, having a place of business at 3901 Centerview Drive, Suite W, Chantilly, Virginia 20151, is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent that may be granted therefor in the United States and in any and all foreign countries.

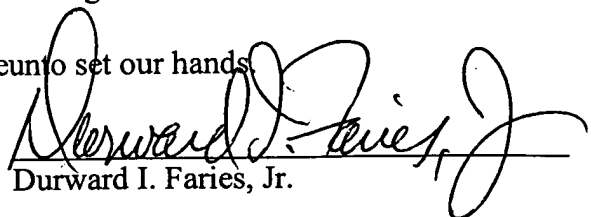
NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) in hand paid, the receipt whereof is hereby acknowledged, and other valuable considerations, we have sold, assigned and transferred, and by these presents do sell, assign and transfer unto Medical Solutions, Inc., the full and exclusive right to said invention in the United States and its territorial possessions and in all foreign countries and the entire right, title and interest in and to any and all Letters Patent which may be granted thereon in the United States and its territorial possessions and in any and all foreign countries, and in and to any and all divisions, reissues, continuations and extensions thereof.

We hereby authorize and request the Patent and Trademark Office officials in the United States and in any and all foreign countries to issue any and all of said Letters Patent, when granted, to said Medical Solutions, Inc., as the assignee of the entire interest in and to the same, for the sole use and behalf of Medical Solutions, Inc., its successors and assigns.

FURTHER, we agree that we will communicate to Medical Solutions, Inc., or its representatives, any facts known to us respecting said invention, and testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, substitution, renewal and reissue applications, execute all necessary assignment papers to cause any and all of said Letters Patent to be issued to Medical Solutions, Inc., make all rightful oaths and generally do everything possible to aid Medical Solutions, Inc., its successors and assigns, to obtain and enforce proper protection for said invention in the United States and in any and all foreign countries.

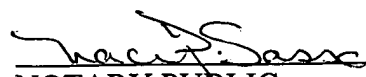
IN TESTIMONY WHEREOF, we have hereunto set our hands

12/30/99  
Date

  
Durward I. Faries, Jr.

On this \_\_\_\_ day of December, 1999, personally appeared before me the above named Durward I. Faries, Jr. to me known and known to me to be the person described in, and who executed, the foregoing instrument and acknowledged the same to be his free act and deed in and for the purposes set forth in said instrument.

(SEAL)

  
NOTARY PUBLIC  
My Commission Expires: February 28, 2003

12/30/99  
Date

Bruce R. Heymann  
Bruce R. Heymann

On this \_\_\_\_\_ day of December, 1999, personally appeared before me the above named Bruce R. Heymann to me known and known to me to be the person described in, and who executed, the foregoing instrument and acknowledged the same to be his free act and deed in and for the purposes set forth in said instrument.

(SEAL)

Tracy D. Sasso  
NOTARY PUBLIC  
My Commission Expires: February 28, 2003

12/30/99  
Date

Calvin Blankenship  
Calvin Blankenship

On this \_\_\_\_\_ day of December, 1999, personally appeared before me the above named Calvin Blankenship to me known and known to me to be the person described in, and who executed, the foregoing instrument and acknowledged the same to be his free act and deed in and for the purposes set forth in said instrument.

(SEAL)

Tracy D. Sasso  
NOTARY PUBLIC  
My Commission Expires: February 28, 2003